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DATE FILED: 7-8-08

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Denise Reinhardt^{*}

Counsel:
Anthony DiCaprio
Michael Steven Smith
David P. Horowitz[!]

JUL 07 2008

July 7, 2008

BY FACSIMILE ONLY

Hon. John G. Koeltl
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street, Room 1030
New York, NY 10007
Fax: 212-805-7912

*Argument adjourned to
July 25, 2008 at 9:30 A.M.
so ordered.*

Re:

William Frimpong v. 1199SEIU
Index No. 07 CV 7375

Dear Judge Koeltl:

This firm represents the Defendant 1199SEIU United Healthcare Workers East ("1199" or "Union") in the above matter. By order dated June 24, 2008, the Court converted Defendants' Motion to Dismiss to a Motion for Summary Judgment and scheduled oral argument for July 11, 2008. That same day, I requested an adjournment of the July 11 oral argument for one week due to a long-standing commitment to attend an out of town wedding. Mr. Yalkut, attorney for Plaintiff, consented to this adjournment request.

In speaking with the Court's calendar clerk today, my office was informed that your chambers never received my June 24, 2008 letter requesting an adjournment. Enclosed please find a copy of my prior letter and a copy of the FedEx tracking request indicating that it was delivered to the Court on June 25, 2008. Again, I respectfully request that oral argument be adjourned for the reasons set forth in my June 24, 2008 letter. Pursuant to your individual rules, this letter has been simultaneously faxed to Plaintiff's counsel.

1-110-00006 16167.doc

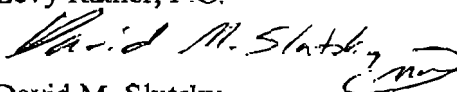
^o Admitted in NY, MA and DC ^{*} Admitted in NY, NJ and PA ^{*} Admitted in NY and DC [^] Admitted in NY and NJ ^{*} Admitted in NY and CT
^o Admitted in NY and CA ^{*} Admitted in NY, NJ and CA [^] Admitted in NY, CA and OR ^o Admitted in NY, NJ and PR ^{*} Admitted in NJ only [!] Admitted in NY and MA

LEVY RATNER, P.C.

Hon. John G. Koeltl
July 7, 2008
Page 2

Thank you for your consideration of this request.

Respectfully yours,
Levy Ratner, P.C.


David M. Slutsky

DMS:MW:jos
Encls.

cc: Arlen S. Yalkut, Esq., Yalkut & Israel, Esqs. (by facsimile with enclosures).



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June 24, 2008

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BY OVERNIGHT DELIVERY

John G. Koeltl
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street, Room 1030
New York, NY 10007

**Re: Frimpong v. 1199SEIU
Index No. 07 CV 7375 (JGK)**

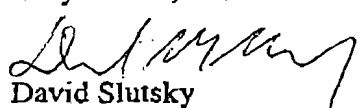
Dear Judge Koeltl:

This firm represents the Defendant 1199SEIU United Healthcare Workers East ("1199" or "Union") in the above matter. I write to request an adjournment of the July 11, 2008 oral argument with respect to Defendant's motion for summary judgment due to a previously scheduled commitment to attend an out of town wedding. I have spoken with Arlen Yalkut, attorney for Plaintiff, who consents to this request for an adjournment. Both Mr. Yalkut and I are available for oral argument on Friday July 18, 2008. We would jointly request that the argument be scheduled for as early in the day as possible. No previous request for an adjournment has been made.

Thank you for your consideration of this request.

Respectfully yours,

Levy Ratner, P.C.


David Slutsky

DMS:jos

cc: Arlen S. Yalkut, Esq., Attorney for Plaintiff (By overnight delivery)

1-110-00006 - 15423.doc

David Slutsky

From: TrackingUpdates@fedex.com
Sent: Wednesday, June 25, 2008 9:36 AM
To: David Slutsky
Subject: FedEx Shipment 797016973402 Delivered

This tracking update has been requested by:

Company Name: Levy Ratner, P.C.
Name: David M. Slutsky
E-mail: dalutsky@lrpbpc.com

Our records indicate that the following shipment has been delivered:

Reference: 1-110-00006 (1199S2IU)
Ship (P/U) date: Jun 24, 2008
Delivery date: Jun 25, 2008 9:19 AM
Sign for by: H. EDMONSON
Delivered to: Shipping/Receiving
Service type: FedEx Standard Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Deliver Weekday

Tracking number: 797016973402

Shipper Information
David M. Slutsky
Levy Ratner, P.C.
80 8th Avenue, Floor 8
New York
NY
US
10011

Recipient Information
Hon. John G. Koeltl
US Dist Court Southern Dist of
NY
500 PEARL ST RM 1030;UNITED
STATES DISTRICT JUDGE
NEW YORK
NY
US
10007

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6/25/2008